

THE PORT AUTHORITY OF NY & NJ

Darrell Buchbinder, General Counsel  
New York Litigation Division

February 22, 2008

VIA FACSIMILE  
(212) 805-6304

The Honorable Paul A. Crotty  
District Judge  
United States District Court  
Southern District of New York

Re: Sanchez v. Port Authority of NY & NJ, et al.  
07 CV 4131(PAC)

*February 25, 2008*  
*The defendant PANY NJ's response is satisfactory. There are no open discovery disputes and plaintiffs motion to transfer venue to the EDNY is granted. 28 USC § 1404. The Clerk of the Court is directed to transfer this case to the EDNY.*  
*Paul M. Kelly*  
*D.S.D.*

Dear Judge Crotty:

I represent the defendants in the above-captioned matter and I write this letter in response to plaintiff's letter to the Court regarding the status of discovery, dated January 30, 2008.

1. With regard to plaintiff's demand for a photograph of George Gonzalez, defendants are not presently in possession of any such photograph. Should further investigation reveal the existence of such a photograph, defendants will provide a reproduction of said photograph to plaintiff immediately.

2. Defendants have previously provided plaintiff with a copy of the subject warrant. Defendants are once again providing plaintiff with a copy of said warrant, via Federal Express, as of today's date.

3. Defendants are not in possession of a fingerprint card for George Gonzalez. As of today's date, defendants are again providing a copy of all documents discovered in the course of defendants' investigation in this case. Several of these documents do contain pedigree information for George Gonzalez.

4. As of today's date, defendants are providing plaintiff with a copy of all Port Authority records currently in defendants' possession that are associated with this matter.

5. As of today's date, defendants are proving plaintiff with the named defendant's personnel file.

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MEMO ENDORSED

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The Honorable Paul A. Crotty  
February 22, 2008  
Page 2 of 2

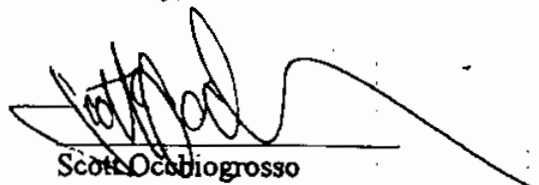


**THE PORT AUTHORITY OF NY & NJ**

6. To the extent defendants are currently aware, the above responses encompass the entirety of the materials used and generated in the course of the investigation that led to plaintiff's detention.

Defendants are in accord with plaintiff's reservation of the right to continue the discovery process, most notably because there are documents and testimony to be obtained from Federal Customs Agents who were responsible for plaintiff's detention.

Sincerely,

  
\_\_\_\_\_  
Scott Occhiogrosso  
Attorney for Defendants

SO:km

cc: David Zelman, Esq.  
Attorney for Plaintiff  
612 Eastern Parkway  
Brooklyn, NY 11225  
Via Federal Express and  
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THE PORT AUTHORITY OF NY &amp; NJ

# FAX

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<b>Title:</b>	District Judge	<b>Date:</b>	February 22, 2008
<b>Company:</b>	US District Court	<b>Phone:</b>	212-435-3483
<b>Fax:</b>	212-805-6304	<b>Pages:</b>	3 (including cover)
<b>Phone:</b>		<b>cc:</b>	
<b>Re: Sanchez v. The Port Authority of NY &amp; NJ, et al.</b>			
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> As Requested			

**Comments:**

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## FACSIMILE TRANSMITTAL SHEET

TO:	HONORABLE PAUL A. CROTTY	FROM:	DAVID ZELMAN, ESQ.
COMPANY:		DATE:	1/30/08
FAX NUMBER:	212 805 6304	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		RE:	SANCHEZ V. PORT AUTHORITY OF NY

☐ URGENT☒ FOR REVIEW☐ PLEASE COMMENT☐ PLEASE REPLY

NOTES/COMMENTS

C.C. SCOTT OCCHIOGROSSO, ESQ.

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CONFIDENTIAL

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Via Fax: (212) 805-6304  
Honorable Paul A. Crotty  
United States District Court  
Southern District of New York  
500 Pearl Street, Ct Rm 20C  
New York, New York 10007

January 30, 2008

Re: Sanchez v. Port Authority of New York et. al.  
Civ No.: 07 CV 4131

Hon. Paul A. Crotty:

Following the conference had before your honor last week, the undersigned was directed to write to your Honor and state the items previously sought in discovery in this matter which have yet to be produced by the defendants. A review of my file indicates that no Response was ever served to Plaintiff's Document Demands. Defendants have produced some documentation in this matter. Upon information and belief, the following either has not been produced or was produced but only in partial form:

1. Plaintiff demanded in this action a photograph of George Gonzalez, the wanted individual which was apparently requested by the defendants in this matter. Plaintiff is entitled to this item of discovery because, based upon plaintiff's repeated protestations of innocence during his arrest and subsequent incarceration, a photo of the wanted individual should have been used to confirm that the plaintiff was in fact George Gonzalez. See, Carbajal v. Vill. of Hempstead, 2006 U.S. Dist. LEXIS 22411, (EDNY, 2006).
2. A copy of the bench warrant issued against George Gonzalez: Warrant dated 1/15/1993.
3. Pedigree sheet and fingerprint card of George Gonzalez.
4. All Port Authority records associated with this matter.

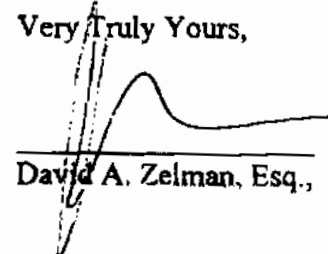
5. The plaintiff demanded the personnel file, disciplinary file, performance reviews, complaints and internal affairs documentation regarding the named defendant including any substantiated complaints of misconduct against the named defendant.

6. Plaintiff should be afforded any and all documents / photos / recordings, or other tangible or intangible items utilized by the individual defendant or others in the employ of the Port Authority to determine plaintiff's identity and/or whether he was in fact a wanted individual. Defense counsel has produced some documentation in this matter, however, plaintiff reiterates this demand as there may be still outstanding discovery utilized by the defendants to determine whether plaintiff was in fact wanted.

Plaintiff should be afforded an opportunity to demonstrate that defendants' efforts to ascertain plaintiff's identity were objectively unreasonable and that plaintiff was illegally and excessively detained due to the defendant's objectively unreasonable conduct. Plaintiff reserves the right to make other discovery demands during the pendency of this action.

Thank-you for your consideration.

Very Truly Yours,



David A. Zelman, Esq.,

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New York, NY 10003